516. a 8
2.

THE DVETIES OF Constables, Borsholders, *Tythingmen, and such o-* ther lowe and Lay Ministers of the Peace.

Whereunto be adioyned, the seuerall offices of Church Ministers and Churchwardens, and Ouerseers for the Poore, Surueighours of the highwayes, and distributors of the prouision against noysome fowle and vermine.

First collected by WILLIAM LAMBARD *of Lincolnes Inne Gent.*

And now enlarged in the yeare. 1602.

LONDON
Printed by Thomas Wight,
1602.

Cum priuilegio Regiæ Maiestatis.

The duties of Constables, Borsholders, Tythingmen, and such other low Ministers of the peace.

VNderstanding by sundry friends of mine, that many well disposed men do earnestly wish, that some one short and plain collection might be made of the dueties of High Constables, petie Constables, Borsholders, Tythingmen, Hedborows, and such like inferiour Ministers of the Queenes Maiesties peace: to the ende that when any of them should be called to any of the said offices (or the like) they might the better behaue themselues in doing the same: I haue thought it a thing worthy the labour, to send abroad among them this little Treatise, which I haue drawne to satisfie in some part their honest desire: hartily praying vnto God, that as their knowledge may be increased in the reading hereof, so also their diligence may bee amended in the practise of the same, to the setting forth of the glory of God, and to the aduancement

1 The preface.

of the Queenes Maiesties seruice in this behalfe.

The diuision of this worke.

2 And because I purpose (by the helpe of God) to make this worke so short, and so plaine withall, as the matter thereof it selfe will suffer me, and as the vnderstanding of vnlearned mē doth require: I wil first speake somewhat, both of the sundry names & beginnings of these officers, and then afterward I wil go in hand with the parts of their seuerall duties.

The names of these Officers.

3 The sundry names of Constables, or High constables, that be of Laths, Rapes Wapentakes, Hundreds, & Franchises: & the diuerse nams also of Constables, pety Constables, Tythingmen, Borsholders, Boroheads, Headboroes, chief pledges, & such other (if there be any) that beare office in townes, parishes, hamlets, tithings, or borowes (for of Constables of Castles, otherwise called castellans, & such others I meane not to entreat) are all (in effect) but two, that is to say, Constables & Borsholders: for these two words do contain as much as all the rest of those names, and to those two al the rest of them may be reduced: and therefore, in speaking seuerally of those two, I will passe along and touch all the rest also.

Constables name.

4 The name Constable, is made (as I haue

haue read) of two Engliſh woꝛds put to-
gether, namely, Cuning, (oꝛ Cyng) & Sta-
ple, which do ſignifie, the ſtay (oꝛ hold) of
the king. Foꝛ by the auncient cuſtome of
this Realm, there is a great officer, called
the conſtable of England, who by meanes
of the high authoꝛitie that he had, was a
pꝛincipall ſtay vnto the Kings gouern-
ment: and this man had iuriſdiction & au-
31. R. 2. thoꝛity in deeds of Armes, and matters of
cap. 12. warre, both within & without the realme.
Out of which office, this lower conſtable-
ſhip was at the firſt dꝛawn & fetched, and
is (as it were) a very finger of that hand.
Foꝛ the ſtatute of *Wincheſter*, which was
made in the time of K. Edward the firſt, & his begin-
13. E. 1. by which theſe lower Conſtables of hun- ning.
dreds and Franchiſes were firſt oꝛdained,
doth (amongſt other things) appoint, (that
foꝛ the better keeping of the Peace, two
Conſtables in euery Hundred and Fran-
chiſe, ſhould make the view of Armour.

So then, the name of Conſtable in a
hundred oꝛ Franchiſe doth meane, that he
is an officer, that ſuppoꝛteth the Queenes
Maieſtie in the maintenance of her peace,
within the pꝛecinct of his hundꝛed oꝛ fran-
chiſe: & he is many times called the high
Conſtable, in cõpariſon of the Cõſtables,
oꝛ pety Conſtables, that be in the towns,

or parishes within his hundred or franchise: whose part it likewise is, to maintaine the peace within the seuerall limits of their owne townes or parishes.

Borsholders name.

5 As touching Borsholder (which is the other generall name, & doth contain within it ỹ meaning of Tythingmen, Borowheads, Headborowes, Thirdborowes, & chiefpledges) that also is made vp of these two English words, Borhes, & Ealder, of the which, Borhes betokeneth pledges, & Ealder signifieth the Chiefe, the Head, or the Ealder: and Borshsealder in one word, doth meane the chiefe (or head) of the suerties, or pledges.

His two offices.

6 But now, that you may the better vnderstand what is meant by this, you must further know, that euerie of these Borsholders, Tithingmē, Borowheads, hedborows, Thirdborowes, and chiefpledges, hath two seuerall offices at this day: the one being his auncient and first office, and the other his latter made office.

His first office.

7 His first office beganne thus: by the auncient lawes of this realme (before the cōming in of king William the Conquerour) it was ordained for ỹ more sure keeping of the Peace, & for the better repressing of theeues & robbers, that al free born men should cast themselues into seuerall compa-

Archaionomia.

companies, by ten in each companie: and that euery of thoſe tenne men of the companie, ſhould be ſuertie and pledge for the forth-comming of his fellowes: ſo that if any harme were done by any of theſe ten againſt the peace, then the reſt of the ten ſhould be amerced, if he of their companie that did the harme ſhould flie, and were not forth-comming to aunſwere to that wherewith he ſhould be charged.

And for this cauſe, theſe companies be yet in ſome places of England (and namly with vs in Kent) called Boroes, of the ſaid word Borhes, Pledges, or ſuerties: albeit in the weſterne partes of the realme they be commonly named Tythinges becauſe they containe (as I told you) the number of ten men with their families. And euen as tenne times ten doe make an hundred: ſo, becauſe it was then alſo appointed that tenne of theſe companies ſhould at certaine times meete together for their matters of greater waight, therefore that generall aſſembly (or court) was (and yet is) called a Hundred.

Furthermore it was then alſo ordained, that if any man were of ſo euill credite, ẏ he could not get himſelfe to be receiued into one of theſe Tythings or Boroes, thẽ he ſhould be ſhut vp in priſõ, as a man vn-

worthie to liue at libertie, amongſt men abroad.

Tithingman. Headborow, &c.

8 Now wheras euery of theſe Tithings (or Boroes) did vſe to make choiſe of one man amongſt thẽſelues, to ſpeake, & to do, in the name of them all: he was therefore in ſome places called the Tithingman, in other places the Boroes Elder (whom we now call Borſholder) in other places the Borohead or Hedborow, & in ſome other places the chief pledge,, which laſt name doth plainely expound the other three that are next before it: for head or Elder of the Boroes, & chiefe of the pledges, be all one, And in ſome ſhires, wher euery Thirdborowe hath a Conſtable, there the officers of the other two be called Thirdborows.

Olde orders in Tithings.

9 Moreouer, in theſe Tythings (or Boroes) ſundry good orders were obſerued & amongſt others: firſt, that euery man of the age of xii. yeares ſhould be ſworne to the King: that then no man ſhould be ſuffered to dwell in any towne or place, vnleſſe he were alſo receiued into ſome ſuch ſuertiſhip & pledge as is aforeſaid. Thirdly, that if any of theſe pledges were impriſoned for his offence, then he ought not to be deliuered without the aſſent of the reſt of his pledges. Againe, that no man might remoue out of one Tything (or Boroe) to dwell

Irin. Kanc. Vid. 45. Ed. 3. 27. Et Kitch. Fol. 12.

dwel in an other, without lawful warrant in that behalfe. Laſtly, that euery of theſe pledges ſhould yeerely bee preſented and brought forth by their cheefe pledge at a generall aſſembly for that purpoſe, which we yet in remembrance therof do call, the View of Frankpledge, or the Leet court.

10 Hitherto I haue opened the ancient office of the *Borſholder, Tithingmã*, & the reſt, whereof alſo there is yet to this day ſome ſhew or remnant in our *Leetes* (or *Law* daies) but if the very ſubſtance therof were throughly performed (as I know no let, but that by law it may) thē ſhould the Peace of the Land bee much better maintained then now it is.

His latter office.

As touching the latter office that theſe Borſholders, Tithingmen, Hedborows, Boroheds, Thirdboroes, & cheif pledges haue, it is in maner all one with the office of a Conſtable of a town, or pariſh, which is commonly named a petie conſtable, or vnder Conſtable, becauſe he is a ſmall Conſtable, in reſpect of the Conſtable, of his hundred, within whoſe limit he is.

For as about the beginning of the raing of king Ed. 3. pety Conſtables were deuiſed in towns & pariſhes for the aid of the Conſtables of the Hundred: ſo of latter times alſo, Borſholders, Tythingmen, Head-

Headborowes, & such like haue bin vsed as petie Constables within their owne Borowes and tythings. And yet not so vniuersally, but that some of them haue at this day none other but their olde office. For in some of the Westerne partes of England, you shall see, that where there be many Tythingmen in one parish, there onely one of them is a Constable for the Queene, and the rest doe serue but as the auncient Tything men did. Now therefore, hauing spoken of the names and beginnings of these inferiour officers of the peace, let vs also come to the parts of their common and seuerall dueties.

Diuision of their office.

11 For as much as a great and chiefe part of the duetie both of these high Constables, of Lathes, Rapes, Wapentakes, Hundreds, and Franchises: and also of these Constables, petie Constables, Tythingmen, Borsholders, Borowheads, Headborrowes, Thirdborrowes, chiefe pledges, and such like ministers, by whatsoeuer other names they bee called in any townes, parishes, Tythings, Borowes, Hamlets, or other places of the Realme, doth consist in the maintenance of the Queenes Maiesties peace, wherein (as also in some other points) the power of thē all is alike, and but one, within their seuerall

rall limits and places of authoritie: therefore I thinke it good to ſhewe, firſt, what their common and equall duety is in matters concerning the peace, either by their owne authoritie, or vnder the authoritie of others: then afterward to declare, what their common and like duetie is in ſome other things not concerning the peace: laſtly, to open thoſe things wherein they haue a diſtinct and ſeuerall duetie, one from another of them.

Their office concerning the Peace.

12 The Conſeruation (or maintenance) of the peace ſtandeth in three things, that is to ſay: firſt, in foreſeeing that nothing be done, that tendeth either directly, or by meanes, to the breach of the peace: ſecondly, in quieting or pacifying thoſe that are occupied in the breach of the peace: and thirdly, in puniſhing ſuch as haue already broken the peace.

What is the breach of the peace

And here, leaſt any man ſhould be deceiued in not vnderſtanding what is meant by theſe words, The breach of the peace, he muſt firſt of al know, that by the breach of the peace, is vnderſtoode, not onely that fighting, which wee commonly call the breach of the peace, but alſo that euery murder, rape, mãſlaughter, & felony whatſoeuer, and euery affraying (or putting in feare) of the Queenes people, whether it

be

be by vnlawfull wearing of Armour, or by assembling of people to do any vnlawfull act, are taken to bee disturbances or breaches of the Peace.

To preuēt things against the Peace.

13 But now, for the better preuenting that nothing be done against the Peace, any of these Officers aforesaide may take (or arrest) suspected persons, which walke in the night, & sleepe in the day: or which do haunt any house, where is suspition of baudrie: and they may carry them before a Iustice of the Peace, to finde suerties of their good behauior. And if any such Officer bee not of sufficient strength to doe that alone, then may he take meet aide of his neighbors therto: & they, in such cases, be compellable to helpe and assist him. 13.H.7. 10.Cur.

Any of these Officers may also arrest such strange persons as doe walke abroad in the night season: and for that cause the said statute of *Winchester* did ordaine, that night watches should be kept yearly, from the feast of the Ascension vntil Michaelmas, by fiue men at euerie gate of euerie Citie, by twelue men in euery Borough towne, and in euery other towne by fiue men, or fower men, or according to the number of inhabitants in the town, al the night long, from Sunne setting to Sun rising: so that if any stranger did passe, he Fit. in Iust. del P. 171. 13 Ed. 1.

should

ſhould bee arreſted till the morning, and then ſet at large (if no ſuſpition were foūd of him) but if any ſuſpition fell out againſt him, then he ſhould be impriſoned, till hee might be lawfully deliuered. And of theſe Watches, the officers before named haue the charge within the limits (or places) of their authorities, as the Conſtable in his towne, the Borſholder in his Borow, & the high Conſtable within al his Hundred: and theſe Officers ought to ſee theſe Watches duely ſet and kept, and ought alſo to cauſe Hue and Crie to be rayſed after ſuch as will not obay the arreſt of ſuch watchmen.

Stat. Northamp. 2. E. 3. c. 3.

Againe, if any perſon whatſoeuer (except the Queenes ſeruants and miniſters in her preſence, or in executing her precepts, or other offices, or ſuch as ſhal aſſiſt them: and except it be vpon Hue and Crie made to keep the peace, and that in places where acts againſt the Peace do happen) ſhall be ſo bold, as to go, or ride armed, by night, or by day, in Faires, Markets, or any other places: then any Conſtable, or any other of the ſaide Officers, may take ſuch Armour from him, for the Queenes vſe, & may alſo commit him to the Goale. And therefore, it ſhall be good in this behalfe, for theſe Officers to ſtay and arreſt

all

all such persons as they shall find to carry Dags or Pistols, or to be apparelled with priuie coates, or doublets: as by the proclamation (made in the xxi. yeare of the raigne of our soueraigne Ladie that now is) they are specially commanded. 21.El.Reg.

Furthermore, if any great assemble, or rumor of people be made in maner of Insurrection, then the Shirifs, Constables, & these said other Ministers, hauing knowledg therof, ought to go with the strength of the Countie, and to set themselues against it, and ought also to take and imprison such offendors. 17.R.2. c.8.

Lastly, if any man doe threaten to kill another, and he which is so threatned doe pray any of these Officers to arrest the other to finde suerties of the Peace: then may such an officer arrest him to find such suertie before a Iustice of the Peace, and may also carry him to prison, if hee refuse to find it: But if he yeeld to go, it shall be good to take the partie threatned, to the Iustice with him. Barre 202. en Fitzh. 22.Ed.4. 35.Brian.

To pacifie and punish the breach of the peace

14 Thus much I haue spoken of those things which do bend towards the breach of the peace: but now I will come nearer to the breach it selfe, and withall to the pacifying and punishing of the same.

If therefore a Constable, or any other

of

of the ſaide officers, ſhall ſee any men going about to breake the peace, as by vſing hoat words, by which an Affray is like to growe: then ought ſuch Officers to commaund thoſe perſons to auoyd vpon paine of impriſonment: and if they will not depart, but ſhall drawe weapon, or giue any blowe, then ought he to doe his beſt to depart them, and to keepe them aſunder: & he may (for that purpoſe) both vſe his own weapon, and may alſo call others to aſſiſt him. In which doing, if any ſuch Officer, or other perſon comming on his part, doe take hurt, he ſhall haue good remedie by action againſt him that did the hurt: but if any of them that made the Affray, bee hurt by ſuch officer, or by any of his cõpany, then ſuch a hurt perſon hath no remedy at all for it.

3.H.7.10.
21.H.7.21.

And if he that maketh an Affray, do flie into a houſe, when ſuch an officer cõmeth to arreſt him: then may that officer breake open the doores to take him: and if he that made the Affray, doe flie from thence alſo, yet may the Officer followe him, and in freſh ſuit take him, though it be in another Shire or Countie.

13.Ed.4.5.

So, if two men be fighting together in a houſe (the doores being ſhut) yet may ſuch an Officer breake open the doores to cauſe

the

the peace to be kept, though none of the parties haue taken hurt. And in both these cases, such an officer may carry them before a Iustice of the peace to finde Suertie for the peace, because they haue brokē the peace already, and are meete to be bound that they shall not breake it againe.

But if any of the parties to an Affray, haue receiued any dangerous hurt, then ought such Officer to arrest him that did the hurt, and to carry him to the Gaole, there to remaine till he find suertie to appeare at the next Gaole deliuerie: otherwise, he may with lesse labor carry him to a Iustice of the peace, or to a coronor, who ought to take order for such suertie, because the fact may fall out to bee Felonie, if so be that he which was hurt do happen to die within one yeere and a day next following such hurt vnto him. Fitz. 72. 38. Ed. 3. 6. & 22. lib. ass. 56.

And as these Officers ought to arrest those that doe make assault vpon any priuate persons, so also may they arrest any such as shal make assault (or Affray) vpon themselues whilst they bee in doing their offices: & may for that purpose both lawfully defend themselues, & also take the offendors, & commit them to the Goale, or carry them to a Iustice of the Peace, for the finding of such suertie as is aforesaid. 5. H. 7. 6.

But

Barr. 101. in Fitzh. But if one doe aſſault a man, in, or nigh the high way, to robbe him, and bee taken by the true man, or by any other, and bee brought to the Conſtable, or ſuch other Officer of the place: then ought ſuch Officer, not onely to take him to his warde, but alſo to carrie him before a Iuſtice of peace to cauſe him to giue ſuertie for his Good abearing.

5. Ed. 3. cap. 14. 17. E. 4. 5. So, if any man doe ſuſpect another of Murder, or Felony, and doe declare the ſame to any ſuch Officer of the place, then ſuch officer may arreſt the ſuſpected perſon, and he ſhall doe well to carrie him to a Iuſtice of the Peace together with him that doth ſuſpect him, to that end that they both may bee examined as appertaineth.

2. E. 4. 2. Yea, any of theſe ſaid officers may ſearch within the limit of his authoritie, for any perſons ſuſpected of Felonie: for it is a chiefe part of their office to repreſſe felons.

5. H. 7. 4. 5. And therefore any of theſe Officers may (of his owne authoritie) arreſt one that is endited of Felonie: So, if the common voice and fame be, that A. B. hath done a felonie, that is ſufficient cauſe for any of theſe Officers (that ſhall thereof ſuſpect him) to arreſt him for it.

And if any man ſhall flie upon felony, it is the office of the Conſtable of the town,

or of any of these other officers there, to seise his goods, and to keepe them safely: for hee is to aunswere for the losse of empairing of them, and therefore it is meete that he doe it by Inuentorie taken in the presence and by the testimonie of the honest neighbours. 3.Ed.3. Itin.Northumb.

And I like well of their opinion, which do hold, that if information be giuen to any such officer, that a man and a woman bee in adulterie, or fornication together, then the officer may take companie with him, and that if he finde them so, hee may carry them to prison. 1.H.7.7.

But this is to bee marked, that in the cases before, and such like, where such an Officer hath arrested, or hath in his ward any offendour that ought to be carried to the Gaole, there such an Officer is not bound foorthwith to carrie him, but may well for a reasonable time keepe him in the Stockes, vntill that conuenient prouision of strength may bee made to conuey him safely thither. And when hee shall bring such offendour to the Gaole, then ought the gaoler to receiue the same freely, without taking any thing of the Officer for it. 3.H.4.9. 22.E.3.35. 4.E.3.c.10.

Seruing of precepts.

15 Hitherto (as you see) I haue spoken of the *Constable*, and of these other *Officers*,

cers, ſo farre onely as they haue authoritie by their owne Offices, without any commaundement from others. But for as much as a great parte of their dutie (concerning the Peace) reſteth in the making of due execution of the precepts of higher Officers, and eſpecially of the *Iuſtices* of the peace, who be (as it were) immediatly ſet ouer them, let vs alſo ſee after what manner theſe *Conſtables*, and other the ſaid inferiour miniſters of the peace, ought to behaue themſelues in that behalfe.

Albeit then, that there ſaid Officers be ſubiect to the commaundements of the Iuſtices of Gaole deliuerie, and of Oyer and Terminer, and of ſome Higher Iuſtices, yea, and to the Preceptes of Coroners alſo, and of other Officers, in ſome certaine caſes, yet becauſe moſt commonly they are called vpon by the Iuſtices of peace, they ought ſpecially to ſhewe themſelues obedient to their Preceptes, who (as it may appeare by ſome old Preſidents) haue authoritie to remoue inſufficient Conſtables and Borſholders, and to ſubſtitute able perſons in their place. Neither ought theſe officers to diſpute whether their commaundements be grounded vpō ſufficient authority, or no: as

Precepts.

14.H.8. cap.18.

21.H.7.22.

knowing that although a Iustice of the Peace (which is a Iudge of Recorde) should direct a Warrant beyond his authoritie to a Constable, or one other of the said officers, yet shall such Officer be holden excused for executing the same, howsoeuer that Iustice of peace himselfe bee blamed for it.

If there fore a Warrant for the Peace, or good abearing, happen to bee directed to any of these saide Officers, then ought he with all speede and secretie to find out the partie: and then also may hee lay his hands vpon him, and shew him the matter, and require him in the Queenes name to goe with him, to put in suertie according to the Warrant. And this if the partie shall refuse to doe, then ought such Officer forthwith to arrest him, and to conueigh him to prison, without carrying him to any Iustice: in which doing, if the partie shall offer any resistance, or shall seeke to escape, then also may such Officer iustifie the beating, or hurting of him. 21.H.7.39.

But if the partie shall yeeld to goe and giue Suertie, and yet will not goe to such Iustice as made out the Warrant, but to some other Iustice, then ought such Officer to giue him that libertie, so that it bee 21.H.7.28.

not

not farre out of the Limit, for els so great trauaile might follow vpon the Officer, as rather hee then the offendour might seeme to be punished by it.

And here the Officer must take regard, and consider whether the Warrant doe come directly from the meere authoritie of the Iustices of Peace, or else be grounded vpon a Writ of *Supplicauit* sent down from higher authoritie (which difference ought to appeare plainly in all Warrants that be well and orderly made.) And if the Warrant bee grounded vpon such a Writ, then may such Officer compell the partie to goe to the very same Iustice or Iustices of Peace that made out the Warrant, and otherwise he may carry him to prison, as is said before.

Neither is it requisite, that such an Officer should daunce after the partie (as many vse to doe) vntill hee can finde out sureties: but he may lawfully keepe him, vntill that he can get sureties to come vnto him: the ignorance of which point is the cause, both that many an euill man escapeth, and many an honest Officer is punished for it.

But here it happeneth many times, that the partie (hearing that such a Warrant is granted against him) offereth himselfe

with suerties, for that cause vnto some other Iustice of Peace, or findeth such suertie in some of the courts at Westminster, and so hath a *Superſedeas* readie to shewe such Officer, as commeth to him with a Warrant as is aforesaid. Now, if that be so, then is the Officer discharged thereby, and ought not any further to molest the partie. But yet it shall be good, that such Officer doe keepe the *Superſedeas* for his better discharge, and shewit to the Iustice from whome hee receiued the commaundement of seruice, least otherwise he bee called to account for not seruing the warrant that was sent vnto him.

If a Warrant be directed to a Constable, or such other Officer, to arrest one that is indited of Felonie, then may such Officer iustifie the killing of such a party, if it so be, that hee cannot otherwise take him: or if so be, that he resist, or flie, when he is taken. 22. Lib. Ass 55. Coron. 261 288. 328. in Fitzh.

Finally, the Constable, or such other of the saide Officers, hauing arrested any to be conueied to the Goale, must take good heede, that hee doe not willingly, or negligently, suffer such partie to escape from him. For, if the arrest were for Felonie, then by a willing escape, the Officer himselfe becommeth a Felon also. And of

whatſoeuer other kinde the offence bee, if the Officer doe, by his will, or negligence, ſuffer the partie to eſcape from him, he ſhall bee fined for it, according to the quantitie of his fault, by the diſcretion of thoſe that ſhall be Iudges of it. And leaſt any ſuch Officer ſhould flatter himſelfe, in thinking that hee may paſſe through with ſome eaſie Fine: I let him know, that the Iudges of his fault may ſet his fine, equal with the value of all his goods, if in their diſcretions his default doe ſo require.

11.H.4.24. Stamf.35.

16 Thus haue I perfourmed the firſt parte of my promiſe, and haue ſhewed what is the equall and like duety of euerie of the ſaide *Officers* in matters concerning the Peace, both by their owne authoritie, and alſo in doing the commaundements of the *Iuſtices* of Peace: Now therefore I muſt goe forwarde to the ſecond parte of my purpoſe, and am to declare their like duetie in other points of ſeruice, that doe not concerne the Peace, For, equall power is indifferently giuen to any of thoſe *Officers* by ſome *Statutes* of the Realme, whereof thoſe that follow be the chief, and principall.

The equal duetie of theſe Officers, in matters beſides the Peace.

Attendant for the execution of Statutes.

17 All Constables, and other the saide Officers, ought to bee attendant, aiding, and assisting to the Iustices of Peace, for the execution of all and euerie the Actes (made in, or before the Parliament, holden in the 33. yere of the raigne of King Henrie the eight) concerning Reteinors, giuing of Liueries, Maintenance, Embracerie, Bowestaues, Archerie, Vnlawfull games, Forestallers, Regrators, Vittaile, Vittailers, and Inholders, or any of them, vpon paine that the said Constables, and other the saide Officers shall make such Fines, as by two of the saide Iustices of Peace shalbe assessed. 33.H.8. cap.10. & 37.H.8.c.7.

Phisitions

18 All Constables, and other the saide Officers within London, or within seuen miles thereof, ought (vpon request made) to aid and assist the President of the Colledg of the Phisitions in London, & other persons authorized for the due execution of the Statuts made concerning Phisitions, Apothecaries, and Surgeons. 14.H.8. cap.4.5. 32.H.8.c.2. 1.Ma.par. 1.cap.9.

Puruetors

19 If any person shall (without lawfull bargaine) puruiewe or take anie thing of any of the Queenes liege people, to the vse of anie (other then the Queene and her house) and there of notice be giuen to the Constable, or such other Officer of the place, then such Officer ought 23.H.8. cap.14.

ought (vnder the paine of twenty pounds) to arreſt ſuch taker, and to carry him to the next priſon.

28.H.6.ſtat. 2.c.2. No Purueyour of the Queene ought to take any horſe, or cart, but by the deliuery of the Maior, Bailiffe, Conſtable, or ſuch other officer of the place whence that taking ſhall be.

25.E.3.ca.1 36.Ed.3. ſtat.2.c.3. Corne ought to bee taken for the Queenes houſe, by ſtriked meaſure of eight buſhels to the quarter, according as is vſed throughout the lande: and the takers of all thinges to bee taken for the Queenes houſe, ſhall make their purueyance by the very value therof, by the view of the Conſtable, or other ſuch Officers, and by appraiſement vnder oath of foure other good men of the towne, where the taking ſhall be: and ſuch taking ſhall bee made without driuing the praiſours by compulſion, menacing, or other villanie, to ſet any other price then their oath will, and as commonly runneth in the nexte Markets.

2.& 3.P. & Mar.ca.9. Takers, Undertakers, their Deputies, or ſeruantes, ſhall not take any Beeſes, Weathers, Lambes, Calues, or any kind of Saltfiſh, or any kinde of graine, or any Butter in any veſſels, or Cheeſe, Bacon, Conies, Pigs, Geeſe, Capons, or Hens,

but

but by Commission and a Blanke therto for that shire annexed: in which Blanke, the said seuerall things so to be taken, and the prices of them shall be written, and to which Blanke the high Constable, Petie Constable, or Headborough of the place where any such taking shall bee, ought to subscribe his name or signe manuel. And such taker ought then also to make a brief or Docket in writing subscribed with his name, contayning euerie of the saide things so taken in euery place: and ought then also (vnder the paine of an hundred markes) to deliuer the same to the saide High Constable, Petie Constable, or Headborough, who also ought to deliuer it ouer to the Iustices of Peace at their next generall Sessions within that countie.

20 In the takinges for the Queenes house, Tailes (or Indentures) ought to be made and sealed, betweene the taker and the owner (in the presence of the Constable, or such other Officer, and the praisers of the place) by which Tailes (or Indentures) satisfaction ought to bee made to the owner for his things so taken. 10. E. 3. c. 1.

21 If any Taker will make purueyance of any thing (not exceeding the value of fortie shillinges) and make not readie 20. H. 6. cap. 8.

die payment in hand therfore, it is lawfull for the owner to retaine the thing so take, and to resist such purueyance: and the Constable, Tythingmen, or Chiefpledg of the place (beeing thereto required by the owner, ought to aide and assist such owner in making such resistance, vnder paine to yeelde vnto him the value of the thing taken, and his double dammages.

18.H.6. cap.15. 22 All Constables, and other the Officers aboue said, of ỳ parish or place, where any of the Queenes Souldiers beyond the seas, being mustered of record, shall happē to arriue, may arrest & stay such souldiers, til it be inquired, whether they be lawfully departed from their Captaines, or no. **Souldiers.**

21.H.8.c.2. 22.H.8.c.14 22.H.8.c.3. 23 All Constables and other the saide Officers, must bee attendant vpon Coroners, for the abiuring and conueying of such persons, as shall take the Churchyard as a Sanctuarie, for safegard of their liues, by occasion of any Felonie by them done. **Coroners.**

All these things heretofore rehearsed, whether they concerne the preseruation of the *Peace*, or any other matter besides the Peace, may and ought to be done & executed indifferently (as I thinke) by any of the said *officers* within the precinct of his authoritie: that is to say, as well

by

by the *high Constable* of the whole *Hundred* or *Franchise*, within his *Hundred* or *Franchise*, as by the *Constable*, *Petie Constable*, *Tythingman*, *Borsholder*, *Borohead*, *Headborow*, *Thirdborowe*, or *chiefe pledge*, withinhis Towne, Parish, Tything, Borow, or Hamlet: and that so, as none of them hath more power of office therein then the other, although some of them haue larger limit of place then the rest.

High Constable of a hundred.

But now I am come to such things, as do seuerally belong to some of these *Officers*, so as the other may not meddle therewith, (which is the third part of my promise) and therefore I wil take that in hand also: and because the *Constable* of the Hundred or franchise, is the greatest of these Officers, both in respect of his larger precinct of place, and also of the higher trust that is committed vnto him. I will begin at him: who, as he is not by and by set alone, but is for some matters no further authorized then some other of the said *Officers*, so I will first beginne at those, and then come to the rest that belong onely to himselfe.

Prisoners.

24 The money appointed to be leuied by the Churchwardens of euery Parish each Sunday, for the relief of prisoners in 14. El. ca. 5.

the

the Gaole, ought (vnder the paine of v.l.) to bee paid by them once euery quarter of a yeare, to the high Conſtables, or heade Officers of euery Hundred, Riding, Wapentake, town, or parish: and the ſaid high Conſtables, or head officers ought (vnder the payne of fiue pound) to pay ouer the ſame money ſo to them paide, at the nexte quarter Seſſions of the peace, to the perſon appointed by the Iuſtices of Peace to receiue the ſame.

It ſeemeth to me, that in this caſe next aboue, the wordes high *Conſtables*, high *Tythingmen*, and Head *Officers*, doe exclude *Petie Conſtables*, *Borſholders*, and ſuch like to meddle therein: becauſe none are called *High*, or *Heade*, but in compariſon of *Lowe* and *Baſe*. Nowe therefore I will ſpeake of matters concerning the high *Conſtable* of the Hundred alone.

High Conſtable alone

25 High Conſtable of Hundreds in all ſuch Shires, wher Petie Seſſions for ſeruants and labourers (otherwiſe called ſtatute Seſſions) were vſed to bee kept, before the firſt day of the Parliament holden in the fift yeare of the raigne of our gracious Queene Elizabeth, may yet ſtill hold their ſaid Seſſions, ſo that nothing be done in them, repugnant to the Statute of labo-

5. El. ca. 4.

Petie Seſſions.

rers

rers and seruantes made in the same Parliament.

Watches and highwaies.

26 The Constables of hundreds, and of franchises, ought to make presentment to the Iustices of Peace, and to all other Iustices thereto assigned, of the defaults of Watches, and of the defaultes of the Queenes high-waies, not enlarged so, as no ditches, vnderwood, or bushes be within two hundred foote on euery side of the same: and also of such as lodge strangers in vplandish townes, for whom they will not answere. 13.E.1.st. Winton.

Clothiers.

27 Clothmakers ought to pay the wages of their Carders, and other workefolkes, in lawfull money, and not in pins, girdles, or such other things: and to deliuer their wools by faithfull deliuerie, and due weight, vnto them to be wrought: vpon paine of forfaiting the treble of their wages not so payd, and six pence for euery deliuery of such excessiue weight. And the said Workfolkes ought to doe their occupations duely, vpon payne of double damages to the partie grieued. And euerie Constable of the Hundred may heare and termine the complaints aforesaid, by examination of the parties, and may commit to the Goale such as refuse to pay the said Workfolkes. 4.E.4.ca.1.

2. & 3. P. & Mar. c. 8. & 5. El. ca. 13.

28 Eſtreats indented ought to be made by the Clarks of the Peace, and by Stewards of Lettes, of all forfaitures riſing in the Seſſions of the peace, or in Leetes, vpon the ſtatutes of highwaies: of which Eſtreates, one parte ought to be deliuered yeerly within ſix weekes after Michaelmas, to the bailif or high Conſtable of the Hundred, Lath, or Wapentake, wherein the default was committed, and the other part to the Conſtable & Churchwardens of ẏ pariſh in which ẏ default was made, to the intent, that ſuch Bailife or chiefe Conſtable, may thereby leuy by diſtreſſe the ſame forfaitures, or the double thereof (if no diſtreſſe can be found, or if ſuch forfaitures be not paid within xx. daies after a lawfull demaund of the ſame by the ſaid officer) and to the intent alſo that the ſaide Conſtable & Churchwardens of ẏ pariſh may therby call the ſaide Bailife, or High Conſtable to account before two Iuſtices of the Peace (the one being of the Quorum) betweene the firſt day of March and the laſt of April yearely for the ſaid forfaitures, which ought by ẏ ſaid Churchwardens to bee beſtowed on the High-waies in their pariſh. And vpon ſuch account, euery ſuch Bailife, or high Conſtable ſhall haue for his paines viii. d. of euery pound leuied

Highwaies

leuied and payed by him, and may also reteine xii.d. for the fee of the Clarke of the Peace or Steward of the Leete, for euery such Estreate by any of them deliuered, as is aforesaid.

Marshalsey & kings Bench.

29 The high Constable (in whose limit the Parish is scituate) must pay at euery Quarter Session to one of the Treasorers of the Shire, such money as the Churchwardens there haue payed to him, for the prisoners in the Marshalsey and Kings Bench, vpon paine of xx.s. to be lost for euery default, 43. El, ca. 3. 43.El.c.3.

Soldiers.

30 And the like must be done (vnder the paine of fortie shillings) with that mony, which the Churchwardens bring to him for disabled Souldiers.

Popish recusant.

31 The Minister (or Curate) of the Parish, and the Constable, Hedboroe, or Tythingman of the Town, to which any Popish Recusant shall be sent by order of this Statute, shall take notice thereof by him, and shal enter the same into a Booke to bee kept in euery Parish for that purpose: and shall certifie the same to the next Quarter Sessions of the Peace in that Countie. 35.El.ca.2.

Constable of a towne.

Next after the *Constable* of the hundred, Wapentake, or franchise, foloweth the *Constable* of a towne, who is some-

where

where called a *High conſtable*, for that he hath there a *Petie Conſtable* vnder him, and is ſometimes alſo termed a *Heade Officer*, becauſe in ſome Corporate townes *Conſtables* is part of the name of their *Incorporation*. And nowe alſo becauſe there be ſundrie things that are by the lawes indifferently referred to him, or to the *Tythingman*, *Borſholder*, or ſuch other inferiour Officer of the place: therefore I will firſt ſet downe thoſe, and then afterwarde ſpeake of the reſt that are committed to him onely, and to none of them.

5.Ed.4.3. Acc.ſur. caſe B.76. 32 If a commō Inholder, or Alehouſe-keeper, wil not lodge ſuch as trauaile, the Ruler, Conſtable, or other Officer of the towne may compell him thereto. Alehouſe.

33.El.ca.4. 33 No perſon retained in huſbandrie, or in any the Artes appointed by the Statute of Labourers (made in the fift yeare of our ſoueraigne Ladie Queene Elizabeth) may depart, after the time of ſuch retainour expired, out of the Towne or Pariſh, where he laſt ſerued, to ſerue in an other, vnleſſe he haue a Teſtimoniall vnder the Seale of the Conſtable or other ſuch Officer, and of two other honeſt houſholders of the Towne or Pariſh where hee laſt ſerued, according to this forme: Seruants.

Memorandum, that A. B. late seruant of C. D. of E. in the countie of K. husbandman, or Tayler, &c. is licenced to depart from his said Master, and is at his liberty to serue else where, according to the statute in that case made and prouided. In witnes whereof, &c. dated the day, moneth, yeare, and place, of the making thereof. Which Testimonial, the parson Vicar, or Curate of the parish where such Maister, Mistresse, or Dame doth dwell, ought to register, taking onely ii. d. therefore. And if such person bee accepted into any other seruice, without shewing such Testimonial, to the Constable, or such other Officer, Curate, or Churchwarden of the place where hee shall bee accepted, he shall be imprisoned till he procure such a Testimoniall, which if he doe not within twelue daies next after the first day of his imprisonment, he shall be whipped as a Vagabond.

Labourers

34 In the time of Hay, or Cornehar- 5. El. ca. 4.
uest, the Constable, or such other Officer, of any townеship, vpon request made, and for auoiding the losse of any corne, graine or hay, may cause all such Artificers, and persons (as be meete to labour) by his discretion to serue by the day, for the mowing, reaping, shearing, getting, or inning,

of corne, graine, or hay, according to the skill and qualitie of the person: and if any such person shall refuse so to doe, then ought such Officer (vnder the pain of fortie shillings) to imprison such refuser in the Stockes, by the space of two dayes and one night.

35 The Constable, Borsholder, or other such Officer, and the Churchwardens of euery Parish, ought yearely vppon the Tuesday or Wednesday in Easter weeke, to call together a number of the Parishioners, and to choose two honest men of their parish, to be Surueiors of the works for amendement of the highwaies within their parish leading to any Market town: and ought then also to appoint fiue dayes for the amendement of those highwayes before Midsommer then next following: and ought openly in the Church, the next Sunday after Easter, to giue knowledge of the same fiue daies. Highwaies.

They also ought to haue one parte of the Estreates indented, and may call the Bailife or high constable to Account, concerning the forfaitures, for default of amending Highwaies, as hath already appeared before. And they also, or any of them may leuie by Distresse, and by sale of such Distresse, all summes of money for-

2. & 3. P. and Mar. cap. 8. and 5. El. ca. 13.

forfaited for any cause within the statute of Highwaies made in the eighteene yere of the Queenes Maiestie that now is, (if so bee that the Surueiours of Highwaies, shall not before haue leuied and imployed the same, within one yeare next after the offence committed) and shall yeelde Accompt thereof before two Iustices of the Peace, as is aforeshewed. 18.El.c.10.

Highwaies

36 The forfaites against the Statute for amendement of the annoyed Highwaies in the Wealdes of Kent, Surrey, & Sussex, ought after conuiction thereof to bee leuyed by distresse, by the Constables, Hedborows, Tythingmen, or other such Officers there, vppon warrant from the Clearke of the Peace in open Sessions, or from two of the Iustices that were at such session, the one of thē being of ỳ *Quorum*. 35.El.c.19.

Hue and Crie.

37 After such time as the two Iustices of Peace, haue ratably assessed euery towne, and parish towardes the payment of the damages that any person hath recouered against him of the hundred wherein hee was robbed, vpon the statute of Hue and Crie: then may the Constable or Headborough, of euery such towne & parish, ratably within his limit, take (according to their abilities) euery dweller in euery such towne or parish, toward the payment of 27.El.c.13.

such

such assessement made by the Iustices: and may also distraine euerie person by his goods and cateels that shall refuse to pay the same, and may sell the distresse, and re-
10. taine so much therof as the Taxation shal be, & deliuer the ouerplus to the person so distrained. And shal (within ten daies next after he hath leuied the said rates) deliuer the same to the said Iustices, or one of thē to the vse of the partie robbed.

43.El.c.2. 38 In default of agreement of the Pa- Stocke of the shire.
9. rishioners betweene themselues, the Constables and Churchwardens of each Parish (or the moze part of them) may rate and allot within their Parish their assesse for the Stocke of the Shire wherewith that Parish was charged at the Quarter Sessions: and they also may leuie the same vpon any Parishioner, by Distresse and Sale of his goods, tendring the ouerplus vnto him, 43. El. c. 2. c. 3.

27.El.c.14. 39 The Constable of euery Borough or Market, or other towne, may viewe, Making of Malt.
searche and suruey all such Malt as shall be made or put to sale there: And if he shall finde any Barlie Malt, made at any time (the Monethes of Iune, Iuly, and August, onely except) but that the same shall haue the space of three weekes (at the least) in the fatte, floure, steeping, and such

ficient drying thereof, and in these three Monethes, the space of xviii. dayes at the least: and if hee find any person to put to sale, any good Malt, mingled with Malt not sufficiently made, or with Malte made of Howburned or spired barly: or to put to sale any malt, not sufficiently well trodden, rubbed, and fanned, whereby halfe a pecke of dust or more may be fanned out of one Quarter thereof: then may such Constable (with the aduise of one Iustice of the Peace in that shire) cause the same Malt to be sold, to such persons, & at such reasonable prices (vnder the cõmon price of the Market) as to his discretion shall seeme expedient.

Who be Rogues.

40 Euery of these persons following, and being aboue the age of seuen yeares, is by the law declared to be a Rogue, Vagabond, or sturdy Begger: that is to say: 39. El. ca. 4.

Euerie person that calleth himselfe a Schollar, and goeth about begging: Euery Seafaring-man (not hauing suffered Shipwrake, nor hauing lawful Testimoniall from a Iustice of Peace, of, or neere the place where hee landed) that goeth about begging, or exceedeth the limits of such Testimonial: Euery idle person that goeth about begging, or that vseth any subtile craft or vnlawful game, or Play,

or that feigneth knowledge in Phyſiognomie, Palmiſtrie, or other like craftie Science, or pretendeth to tell Deſtinies. Fortunes, or ſuch like Phantaſticall imaginations. Euery wandring perſon that vttereth himſelfe to be a Proctour, Procurer, patent gatherer, or colector for any Gaole, Priſon or Hoſpitall. Euery Fenſor, Bearward, Minſtrel, or cunning player of Enterlude (other then ſuch player of Enterlude as belongeth to a Baron or other Honorable perſon of greater degree, and bee authoriſed vnder his hande and ſeale of Armes) Euery Iuglar, Tinkar, Pedler, or Petichapmā, other then glaſſemen of good behauiour; and licenſed vnder the handes and Seales of three Iuſtices of the Peace of that Shire (whereof one to bee of the *Quorum*) that wandreth abroad. Euery Wandring perſon, or common Labourer not hauing otherwiſe then by labour to maintaine himſelfe, & being able of body, that refuſeth to worke for lawfull Wages: Euery perſon, deliuered out of Gaole, that beggeth for Fees, or trauaileth begging. Euery one that pretending loſſe by Fier, or otherwiſe, wandreth begging. Euery one (not being a Felon) that pretendeth to be an Egiptian, or wandreth in the forme (or habite) of

counterfait Egyptians. Euery impotent, and diſceaſed perſon (being lawfully licenced by two Iuſtices of the Peace to go to Bath, or Buxſton) that forbeareth not to begge, or returneth not according to ſuch Licence: and euery poore perſon (appointed to aſke reliefe in his parish by the Ouerſeers) that beggeth in any other ſort then is appointed.

The Conſtable, Headborowe, and Tythingman of the Hundred, Pariſh, or Tything, ſhall vppon the taking of euery ſuch Rogue (the Tythingman, or Headborowe being aſſiſted with the aduiſe of the Miniſter, and one other of the Pariſh appoint the ſame Rogue to be ſtriped naked from the middle vpward, and be openly whipped vntill his or her body be bloudie, and ſhall forthwith ſend ſuch Rogue from pariſh to pariſh (by the officers of the ſame) the nert ſtraight way to the Pariſh where ſuch Rogue was borne, if that may bee knowne by his or her confeſſion or otherwiſe: and if that cannot bee knowne, then to the Pariſh where hee or ſhee laſt dwelt before that puniſhment by the ſpace of one whole yeare: and neither of them being known, then to the Pariſh through which he or ſhe laſt paſſed without puniſhment.

After

After which whipping, such Rogue shall haue a Testimoniall, subscribed and sealed with the handes and Seales of the said Constable, Headborough, Tithingman, and Minister or of any two of them, the substance of which shall bee Registred by that Minister in a booke to bee prouided for that Parish, vnder the paine of fiue shillings for euery default thereof.

And the forme of that Testimoniall may be thus.

A.B. a sturdy *Rogue*, of tall stature, red haired and bearded, about the age of 30. yeres, and hauing a wart neare vnder his right eye, borne (as he confesseth) at *East Tilberie* in Essex was taken begging at Shorne in this countie of *Kent* the 10. of *March*, 1598. and was then there lawfully whipped therfore, & he is appointed to goe to *East Tilberie* aforesaide the direct way by *Gravesend*, ouer the Riuer of *Thamise*: for which he is allowed one whole day, and no more, at his perill. *Subscribed* and *sealed* the day and yere aforesaid, *Kent.*

By vs { *C.D. Minister.* / *E.F. Borsholder.* / *G.H. Parishoner.* } of *Shorne* aforesaid.

And

And if such Rogue doe not accomplish the order of such Testimoniall, then is he or shee to be Whipped at euery place for euery such default, till he or she repayre to the place so limitted for him: And this Testimoniall must bee carryed with him from Officer to Officer as is aforesaide: wherein it is needefull to set downe some speciall marke of the body of the Rogue, to the end that neither one officer deceiue another nor the Rogue deceiue them all.

But if such Rogue so taken appeare to be dangerous to the inferior sort of people there, or will not bee reformed from Roguish life, by the means aforsaid, then any two Iustices of peace of that limit (the one being of the Quorum) may commit such Rogue to ỹ house of correction or Gaole

Euery Constable, Headboroe, & Tythingman, that shall be negligent, or shall not doe his best indeuour, to take, punish, & conuey ouer the Rogues aforsaid, shal lose x.s. for euery default. And euery other person that disturbeth the execution of this Act of Rogues, shall lose v.l. for euery default, and be bound to the good behauiour.

And euery such Constable, Headboroe & Tithingman, is in like sort to take & punish, and to conuey from one to an other, euery Rogue & beggar ỹ shall be brought

and

& ſet on land here, from Ireland, Scotland, or the Ile of Man, till he come to the next Port or Parish in or neere where he was firſt landed, vpon the like forfaiture of x.s for euery default.

Now, foraſmuch as the execution of this law as alſo of that for the *poore*, is vpon good reaſon required at the hands of theſe *Conſtables*, *Borſholders*, and ſuch like inferiour Officers, becauſe as they of the common ſort be moſt annoyed therby, ſo are they in euery corner to haue a redy hand & whip to remedy the euil: I think good for their better direction herein to ſet down thoſe reſolutiõs & aduices, which (as it is commonly ſaide) were giuen by the Queenes *Iuſtices* at *Weſtminſter*, ſoone after the making of the ſaide ſtatutes, and thus they follow.

A Rogue affirmeth, that he was borne in ſuch a town, in ſuch a county: then ought he to be ſent thither, if it may not otherwiſe appeare y he was born elſewhere: & if he were not borne there in truth, then is he to be ſaid an incorrigible Rogue, & is to be ſent thence to the houſe of correction in the county to which he is ſent: & if there be none there, then to the Gaole vntill the next Seſſions, there to be deale with according to the ſtatute.

2 The

2 The same course is to bee obserued, if it appeare not where he was borne, and so if he vntruely affirme that hee was last dwelling in such a Towne, in such a countie, by the space of a yeare, and was not in truth.

3 If the husband, or wife haue a house and the husband or wife rogue about, they ought to be sent to the Towne where that house is; and so of an Inmate.

4 The wife and children vnder seauen yeares of age, being vagrant, must goe and bee placed with the husband; if the husband be dead, then with the wife wher she was borne, or dwelt, and the vagrant children (aboue seuen yeeres of age) must be sent to the place of their byrth. And if the vagrant parents with their children (vnder seauen yeares) bee placed at the place of birth of the Parents, or at the place of last dwelling (as the case shall fall out) if afterward the Parents, or either of them die, or runne away, yet the children (once setled) must remaine there still, and may not be sent to their place of birth, though after they grow aboue the age of seauen yeares.

5 The wife being a vagrant Rogue, ought to be sent to the husband, though he be but a seruant in another Towne.

6 The

6 The Rogue whoſe place of birth (or dwelling) cannot bee knowen, hath wife and children, vnder ſeauen yeeres of age, they muſt go with the husband to the place where they were laſt wilfully ſuffered to paſſe without puniſhment; where the children muſt be relieued by the worke of their Parents, though the Parents be committed to the houſe of correction.

7 If any (not being Rogues) ſhall trauaile with their children through a town, and the Father or Mother die, or runne away, the towne is not bound to keep them where they die, nor to ſend them away, but onely in charitie, except they become wandering Beggars.

8 If the Parents be able to worke, and may haue worke, they are to finde their children, by their labour, and not the Pariſh, But if they bee ouerburthened with children, it ſhall bee a very good way, to procure ſome of them to be placed apprentices according to the Statute.

9 No man is to be put out of the town where he dwelleth, nor to bee ſent to their place of Birth (or laſt habitation) but a vagrant Rogue; nor to bee found by the towne, except the partie be impotent, but ought to ſet themſelues to labor, if they be able, and can get worke, if they cannot,

the

the ouerseers must set them to labor: And so of them that haue or shall haue houses, when their estates bee expired: And seruaunts whose times of seruice are ended, though they cannot get houses, for they must prouide themselues houses a new, if they be not impotent.

10 Such persons as be of any Parish, and haue able bodies to worke, and bee no wanderers abroade out of the Parishe though they refuse to worke at such wages as is tared (or commonly giuen) in those partes, are notwithstanding not to be sent to their place of birth (or last dwelling) by the space of a yeare, but to the house of correction; vppon consideration had of both the statutes of the poore and Rogues. But if they haue any lawfull meanes to liue by, though they be of able bodies, and refuse to worke, yet are they not to be sent to the house of correction.

11 Such as will remoue or put any out of their Parish, that be not to bee put out, this is against the statute, concerning the relefe of the poore, and fineable: and if any haue beene so sent, they may bee sent backe againe.

12 If any be sent to a towne whereto he ought to bee sent, and is refused (being a sturdy, or an impotent Rogue) the persons

refusing

refuſing ſhall forfait v.l. and hee that is ſo to be ſent, is to bee offered to the Churchwardens and ouerſeers.

13 To ſend the Rogues by a generall Paſport, without conueying them from pariſh to pariſh, is a let to the conueying of Rogues according to the ſtatute, & ſo a forfeit of v.l. vpon them. And to goe with ſuch a Paſport, is but ſtill to continue a Rogue, to be puniſhed by whipping.

14 If the Officer will not receiue a Rogue to conuey him to the place where he was borne (or dwelt) this is a forfeiture of v.l. in the officer, that ſhall not receiue the partie to conuey him or her ouer.

15 None, may be ſuffered to take reliefe at any mans doore, though within the ſame pariſh, vnleſſe it be by the order of ỹ ouerſeers, according to the ſtatute, neyther may any be ſuffered to begge by the high waies, though in their owne pariſh.

16 By this word parents: is vnderſtood a Father, or a Grandfather, Mother, or Grandmother, being perſons able.

17 Within the word children, is included any child, or Grandchild, being able.

18 Parſons, or Vicars, &c. bee bounde (as inhabitant) to the relefe of the poore, as well as others that inhabite within the Pariſh.

19 Eue-

19 Euery one that hath tythes impropriate, Coale mynes, or landes in manuell occupation, &c. is chargeable: And so for such as haue saleable woodes, proportioning the same to an Annuell benefite.

20 If there bee but one Churchwarden in the Parish, he sufficeth, with the other foure Ouerseers.

All these things last aforesaid, do pertaine as well to the charge of a *Tythingman, Borsholder, Headborow, chiefe pledge*, or such other inferior Officer, as they do to the *Constable* of such a Towne, or Parish, that hath any of those other officers vnderneath him. But some other points of charge there be, that belong to such a *Constable* onely, and not to any of them: as for example.

Weightes Measures.

41 Euery citie, Borough, and market towne, that haue a Constable, ought also to haue common measures sealed, and also common weights sealed, at which the inhabitants may freely weigh. 8.H.6.ca.5. 11.H.7.c.4.

Marchandize.

42 If any Woolles, or other marchandize, bee shipped in the Staple, in any suspected place adioyning to the coast of the water, then Indentures ought thereof to be made between the owner, & the Maior or Constable of that place: or otherwise, such marchandise shall be forfaited. 14.H.6.c.5.

43 The

38.H.8.c.9. 43 The Maior, Sherifes, Bailifes, Conſtables, and other head officers within euery City, Borough, and towne within this Realme, where any ſuch Officers be, ought vnder the paine of xl. s. for euery default, once euery moneth at the leaſt, to make ſearch (as well within liberties, as without) in all places where any vnlawful games ſhalbe ſuſpected to be kept, and may arreſt and impriſon as well the keepers of ſuch places, as the haunters to the ſame, till they bee found no more to keepe and haunt ſuch places. And if any ſuch Head Officers, ſhall find or knowe, that any Artificer, crafteſman, huſbandman, apprentice, labourer, ſeruant at huſbandrie, iourneyman, or ſeruant of artificer, or that any maryner, fiſherman, waterman, or Seruingman, doth play at the Tables, dice, cards, tenniſe, bowles, claſh, coiting, logating, or any other vnlawfull game, out of Chriſtmaſſe time, or out of their Maiſters houſe or preſence in the Chriſtmas time, vnles it be by the licence of ſuch Maſter as hath C. l. by the yeare, or aboue, and then alſo, that playing bee within the precinct of ſuch Maſters houſe gardeine, or orchard: then ſuch head Officer may commit ſuch offender to warde, till he will be bound by Obligation to the

Vnlawfull games.

Queenes vse (in such summe as to the discretion of such Officer shall bee thought reasonable) that hee shall not from henceforth vse such vnlawfull games.

Bridges. 44 Those foure Iustices of peace, that be authorized by the Statute to make taration of money for the amendement of any decayed bridge in the high way, ought to make that Taxation, by the assent of the Constables, or of two of the most honest inhabitantes, of euerie Towne or Parish. 22.H.8. cap.5.

Vessels. 45 In all Cities, Boroughes, and Townes, wherin no Wardens of Cowpers bee, the Maiors, Sherifes, Baylifes, Constables, or other head Officers there, haue power to search, viewe, and gawge, barrelles, kilderkins, firkins and other vessels, to be made there, and to take such aduantage thereby, and in such manner, as by the Wardens of Cowpers within the Citie of London may bee taken on euery behalfe. 23.H.4. cap.4.

Hattes and Cappes. 46 The Maiors, Sherifes, Constables, and other heade Officers of any place, to which woollen hattes, bonnets, or cappes, (being made out of this Realme) shall be brought, ought (vpon knowledge thereof to them to bee giuen, by the Customer of such place, or his deputie) to ioyne with such 22.H.8. cap.9. 1.Mar. par.1.c.11.

ſuch Cuſtomer or Deputie, in the ſale of ſuch hatts, bonnets, or capps, for ſuch prices, as by the ſtatute are limitted, vpon paine to forfaite xx. l. for euery time that they ſhalbe remiſſe in ſuch ſale.

47 In all theſe caſes alſo, laſt before rehearſed, it ſeemeth that Borſholders, Tythingmen, Headborowes, and other ſuch (being in townes, or pariſhes, vnderneath Conſtables that bee there) cannot meddle becauſe ſuch Conſtables be (in cõpariſon of them) called Head Officers.

48 The Conſtable or other inferior officer, muſt whip ſuch hedgbreakers, robbers of orchards and gardens, cutters of corne and wood, &c. as be for that purpoſe committed vnto them by the Iuſtice of peace vpon paine to bee committed to the common Gaole, without bayle or mainprize till it be done. 43. Eli. ca. 7.

49 Now therefore vpon all the whole diſcourſe before witten, it may well appeare, that Borſholders, Tythingmen, Headborowes, Boroeheades. Thirdboroes, and chiefe pledges, whether they be there the onely Officers for the Peace, or be vnderneath Conſtables, may within their Borowes, Tythings, or Hamlets, doe many thinges that the others may doe: and that there are many other points

The concluſion.

which those other Officers may doe, and wherewith these Borsholders and the rest cannot meddle at all. And therefore, to auoide Idle repetition of matters alreadie spoken, I say shortly, that if an vnder Borsholder, Tythingman, Headboroe, Borohead, Thirdboroe, or chiefe pledge, will see what belongeth to him to doe, he must looke before vpon all such cases, where his power is declared to bee equall (for those points) with the power, eyther of a High Constable of the Hundred, or a Constable of a towne or parish: for in all such thinges hee hath to deale as well as they: But where any thing before is shewed to pertaine only to the high Constable of a Hundred, or onely to the Constable, or chiefe or head Officer of a towne, or parish, there such a Borsholder, Tythingman, or any of the rest, hath nothing to doe with it.

And thus hauing opened so shortly and plainely, as I could, the duties of all these said ministers of the peace, I doe shut vp this worke: desiring those that shall take any profite of this labour, to yeelde thankes to God the most liberall giuer.

For

FOr the more eaſe of euery of theſe officers in finding out that whichpar ticularly belongeth vnto each of them, I haue diuided the former *Treatiſe* into forty and eight ſeueral *Articles* (or parts) as it may appear at the beginning of ech *Article* by the ſeuerall *Figure* thereof, by which euery officer may be directed ſeuerally to ſo much as appertaineth to himſelfe, if he will marke this ſhort table following. For,

The high Conſtable *of the* hundred, rape, *Franchiſe or* Wapentak, *hath the execution of all thoſe matters that doe lie within theſe Articles, that is to ſay.*

Articles concerning.

3, 4 His name and beginning.

11, 12, 13, 14, 15, 16 The peace and ſeruing of warrants.

17 Execution of ſtatutes

18 Phyſitions.

19, 20, 21 Purueiours.

22 Souldiours.

23 Coroners.

24 Priſoners.

25 Petite Seſſions.

26 Watches & highwaies.

27 Clothiers.

28 Highwaies.

29 Mony for priſoners.

30 Money for Souldiours.

And the Conſtable of a Towne & Pa-

riſh, hath his part in all things contained within any of theſe Articles following, that is to ſay,

Articles concerning.

4 His name and beginning.
11, 12, 13, 14, 15, 16 } The peace & ſeruing of precepts
17 Execution of Statutes.
18 Phyſitions.
19, 20, 21 } Purueyours.
22 Souldiers.
23 Coroners.
24 Priſoners in the Bench, &c.
31 Popiſh Recuſants.
32 Alehouſe.
33, 34 } Seruants and Labourers.
35 Highwaies.
36 Highwaies in the wealde.
37 Hue and Crie.
38 Stocke of the ſhire
39 Making of Malt.
40 Rogues & beggers
41 Weights and meaſures.
42 Marchandize.
43 Vnlawfull games.
44 Bridges.
45 Veſſels.
46 Hattes.
47 Hedgbreakers.

And euery Borſholder, Tythingman, Boroehead, Headborow, Thirdborow, and chiefe pledge, may for his Borow or Tything learne his Office by theſe Articles, that is to ſay,

Articles concerning.

5 His name.
6, 7 } His firſt Office.
8, 9, 10 } His latter office.

11 Keeping

11 }
12 } Keeping of the
13 } Peace.
14 }
15 } Precepts to be
16 } ſerued.
17 Execution of Statutes.
18 Phyſitions.
19 }
20 } Purueyors.
21 }
22 Souldiours.
23 Coroners.
24 Priſoners.
28 } High-
29 } waies.
31 Alehouſe.
32 } Seruants and La-
33 } bourers.
34 }
35 Highwaies.
36 Highwaies in the Wealdes.
37 Hue, and Crie.
38 Stocke of the ſhire
39 Making of Malt.
40 Rogues & beggers
41 Hedgkreakers.

The duetie of Church *Miniſters.*

THe latter Lawes hauing imployment of many to make, hath borrowed ſome vſe in a few eaſie matters of ſpirituall Miniſters, chiefely for the helpe and readineſſe of their pen, which in manie Pariſhes few, or none (beſides they) can ſerue withall.

1 The Miniſter (or Curate) of the pariſh ought to Regiſter the Teſtimoniall that is made to a ſeruant to appeare at the end of his Terme, and hee is to take two pence therefore, and not aboue.

2 He alſo is to aſſiſt the Borſholder or Tythingman in appointing a Rogue to

be whipped, and must Register (in a booke for that purpose) the Testimonial ỳ such Rogue ought to haue after whipping, vpon paine to loose v.s. for euery default.

Licence to eate flesh.

3 He may giue Licence to a sicke person (during the sicknesse onely,) to Eate flesh vpon daies prohibited, and must (for four pence) Register the same in ỳ church booke, if the Sickneſſe continue aboue 8. dayes after the Licence. 5.El.ca.5.

Come to Church.

4 The Minister or Curate of the parish may require any person within 3. months after his Conuiction vpon the statute 35. El. c. 1. to make publike Confession and submission in the seruice time of a sunday or Festiual day. And he that shal (after notice to him giuen by the Minister or Curate or Churchwardens) maintaine, or retaine, in his house, or otherwise, any person obstinatly refusing to come to church, shal lose x. l. for euery such person, for euery moneth so maintained, or retained. 35.Eli.ca.1.

Popish recusant.

5 The Minister or Curate of the parish, & the constable, Hedborow, or Tithingman, of the towne, to which any Popish recusant is sent, shall (vpon notice thereof by him) enter the same into a booke to bee kept in euery Parish for that purpose: and shall certifie the same to the next Quarter Session of the Peace in that County. 35.El. ca.5.

The

WHileſt I paſſed thorow ſome of the ſtatutes before, concerning the offices of Conſtable & Borſholder, I found them mingled with diuers dueties pertayning to the Churchwardens of pariſhes: the Surueiours of the high waies: the Diſtributors of the prouiſion for the deſtruction of vermine, and Ouerſeers of the poore: whereby I was alſo moued to adde ſomewhat of theſe Offices, the rather becauſe I was perſwaded, that with that little more of labour, I might doe a great deale more of good, ſeeing that therby the plain countryman ſhould (after a ſort) be furniſhed with all maner of vnderſtanding (in the temporall Law) needfull for the exerciſe of any of thoſe offices that may lightly fall vpon him.

Firſt therefore, I will ſpeake of the Churchwardens office, but that ſo farre forth onely, as the common Lawes, and ſtatute Lawes of the Realme do lead me, knowing that ſuch other parts of that office as do reſt vpon the Lawes Eccleſiaſticall, bee from time to time ſufficiently both taught and called vpon, by thoſe that haue the Execution of the ſame.

The Churchwardens of Pariſhes bee taken

Office of Churchwardens, by the common law.

taken (in fauour of the Church) to be for some purposes a manner of Corporation at the common Lawe: that is to say, Persons inabled by that name, to take moueable goods, or cattels, and to sue, and be sued at the Law, concerning such goods, for the vse & profit of their Parish. And therefore, a man may well in his life time giue, or by his last will bequeath, money, or other moueable things, to the Churchwardens, or to the Parishioners of a Parish, eyther for the reparation of the Church, or towards the buying of books, Communion Cuppes, linnen cloathes, or other decent ornaments or furniture for the Church. Which manner of gift is so much fauoured in the Lawe, that it is not altogether needefull in such a gift, for a man to vse expresse wordes, or writing. For if a man do buy a Bell, and do hang it vp in the Steeple, or do make a Pew, and do set it vp in the Church, and doe neyther make any word or writing thereof, yet is this Bell or Pewe, by this dedicated or giuen to the Church.

12.H.7.vltimo.

Lib.Intrac. fol.576.

11.H.4.12. 8.H.7.12.

They shall haue action

2 Now, although Churchwardens shall haue none Action at the common lawe to recouer a Legacie, or such other thing which they neuer had: yet neuertheless, if any such goodes, or ornamentes of the Church

Church be once in their possession & custo-
37.H.6.30. & 34. die, then shal they maintaine an Appeale
11.H.4.12. of robbery against him that stealeth them,
8.E.4.6. or an Action of trespas against him that
shall wrongfully take them away, though
it be the Vicar, or Parson himselfe, & the
dammages that they shall recouer therby
shall be to the vse & benefite of the Parish,
and not to their owne vse. But if those
Churchwardens (from whom the goodes
were so taken) shall happen to die before
any Action by thē brought for the goods,
yet shall the next Churchwardens haue
Action for the same.

Fi.na.br. 91.K. 19.H.6.66. al.contr. 3 And forasmuch as these Churchwardens be Officers, put in trust for the behoofe of their Parish, therefore also are they not enabled with any other power, then for the good and profite of the parish. So that churchwardens can neither giue away, nor release, at their owne pleasure, the goods of the Church. For if the Parishioners shall finde that they doe vnprofitably wast, or mispende the goods of the parish, thē may they remoue such churchwardens, by making their choise of new: which new officers may (by Action of account) cal to account the former Churchwardens, and shall thereby compell them, both to giue reckoning of their doings during

They may not wast the church goods.

8.E.4.6.

They may be remoued & brought to account.

ring their office, and also to make satisfaction to the vse of the Parish, for the harme that it hath receiued by their fault. And although the vsage and custome of the parish bee, that the Churchwardens there shall continue in their Office, by the space of one whole yeare, or two yeares or more (as indeede some Parishes haue such customs) yet vpon such, or the like misdemenor found in them, may the parishioners at all times proceede to an election of newe churchwardens, and may remoue the old, for that otherwise they haue no meane by our Law to call them to their Account. but by such as shall bee put in their place. Neuertheless, those former Churchwardens shall (vpon the making of such their Account) haue allowance of all needefull summes of money, or other things, which they haue expended, either vpon the reparation of the body of the Church, or for the prouision of meete and lawfull ornaments or other furniture of the Church or Parish: because they are compellable (by the Ecclesiasticall Lawes) so to lay forth the goodes of the Parish committed to their custodie and charge. They shal haue allowance also (vpon such their Account) of the mony paid by them for relief of prisoners in the common Gaole, by vertue of 26.H.8.5.

the

the ſtatute 14. El. ca. 5. & of whatſoeuer other thing that they are by lawe chargeable to doe.

4 This (in effect) is the power & charge that the cõmon law doth giue to Churchwardens: for as touching any eſtate in lands, or the profits of any lands, Churchwardens haue not to middle at all: In ſo much, that if the walles, windowes, or doores of the Church, bee broken, or the trees in the Churchyard be cut downe, or the graſſe therof be eaten vp, then the parſon, or Vicar (& not the Churchwardens) ſhal haue the Actiõ for it: becauſe churchwardens are not by lawe allowed to bee a Corporation for any other thing: then for moueable goods onely. Now therefore I will ſhew how their office is increaſed by a fewe Statute lawes, that doe concerne the ſame.

They haue not to doe with lands.

11. H. 4. 13.
12. H. 7. 77.
13. H. 7. 9.

Churchwardens office, by the ſtatute.

5 All perſons inhabiting within the Queenes Maieſties Dominion, ſhall diligently & faithfully (hauing no lawfull or reaſonable excuſe to be abſent) indeuour thẽſelues to reſort to their pariſh Church or Chapel accuſtomed, or (vpon reſonable let therof) to ſome vſual place where common prayer and ſuch ſeruice of God (as is contained in the book of cõmon praier) ſhal be vſed in ſuch time of let, vpon euery Sunday

Repaire to the Church

Sunday and other dayes ordained and vsed to be kept as holy dayes: and then and there to abide orderly and soberly, during the time of the cõmon praier, preachings, or other seruice of God, there to be vsed & ministred, vppon payne of punishment by the Censures of the church, and also vpon paine that euery person so offending shall forfait for euery such offence xii.d. to bee leuied by the Churchwardens of the Parish where such offence shall bee done, to the vse of the poore of the same Parish, of the goodes, lands, and tenements of such offendour, by way of distresse.

Highwaies

6 The Constables & Churchwardens of euerie Parish shall yearely vppon the tuesday or wednesday in Easter week, cal together a number of the Parishioners, & shall then elect and choose two honest persons of the parish to be Surueyors and orderers of the workes for one yeare, for amendment of the Highwaies in their Parish, leading to any Market towne: which persons shall take vpon them the execution of their said offices, vpon pain, euery of them making default, to forfait xx.s. And the said Constables and Churchwardens shall then also name and appoint six daies for the amendment of the saide highwaies before Midsõmer then next following: & shall

2.&3.P.& M.c.8 & 5. El.ca.13.

ſhall openly in the Church the next Sunday after Eaſter giue knowledge of the ſame ſixe dayes. And they alſo ought to haue one part of the Eſtreats indented, and ſhall call the Conſtables to account &c. as it doth appeare before in the 30. Article of the Conſtables office.

7 See after alſo in the office of the Surueyours of the Highwayes, for leuying thoſe forfaitures, by the churchwardens, if the Surueiors ſhal not leuie & imploy the ſame within one yeare after the offence committed.

8 And ſee in the 4. article of the duetie of the Miniſters, that the Churchwardēs may giue notice to ſuch as maintaine, or retaine in houſe, or otherwiſe, any perſon that obſtinately refuſeth to come to the Church. Refuſe to come to the Church. Eate flesh.

5. El. ca. 5. 9 If any perſon within this realme, ſhal (without lawful licence) eate any fleſh vpon any daies now vſually obſerued as fiſhdates, ſhall forfait 3. l. for euery ſuch offence, elſe ſuffer 3. months impriſonment. And euery perſon within whoſe houſe any ſuch offence ſhal be done, & being priuie or knowing thereof, & not effectually diſcloſing the ſame to ſome publike Officer, hauing authoritie to puniſh the ſame, ſhall for euery offence forfait 40. s. The third part

part of all which forfaitures shal be to the vse of the Parish wherein the offence shall be, & to be leuied by the Churchwardens after any conuiction in that behalfe.

Licence to eate flesh.

The licence for eating of flesh, to be giuen to any person for notorious sickneſſe, by the Bishop of the Dioceſſe, or by the Parson, Vicar, or Curate of the Parish, ought to be registred (if that sicknes shall continue aboue eight dayes after such licence granted) in the Church book, with the knowledge of one of the Churchwardens there: & the party licenced shall giue 4.d. to the Curate for the entry thereof. 5.El.ca.5.

Poore.

10 The Churchwardens & foure three or two others of euery Parish, appointed by ỹ two Iustices of peace, to be Ouerseers of ỹ poore there, (or the more part of them) may by the consent of two Iustices, from time to time take order, for setting to worke all persons married or vnmarried that haue no meanes, or ordinarie trade to liue by, and the children of such Parents as shall bee thought vnable to maintaine them: and may take aswell Inhabitants, or occupiers of landes in the Parish to pay weekely, or otherwise, such competent summes of mony (as they shal think meet) for a stocke of ware & stuffe for such poore to worke, and for the necessarie relefe of the 43 El.ca.2.

the impotent poore there, and for the putting out of such children to be Apprentices: and may execute all other things, concerning the premisses, as to them shall seeme conuenient.

And they shall meete together once in each month at the least in the Church vpon some Sunday in the afternoone, to consider of some good course and meete orders to be set downe in the premisses, & within 4. daies after their yere ended & other Ouerseers nominated, shall yeeld vp to the two Iustices of Peace, a perfect accompt of their Money, Stocke, and other things concerning that office, & shall pay the monyes that shall be in their hands, to the new Churchwardens and Ouerseers, vpon paine to loose 20. s. for euery such monethly absence, (without cause, to bee allowed by the two Iustices) and for euery negligence in the execution of the said Office, or orders made by assent of the two Iustices as aforesaid.

And the said Churchwardens & Ouerseers (or any of them) by warrant from two such Iustices, may leauie such taxations by distresse and sale of the offendours goodes, as also the mony behind vpon any such accompt, tendring the Ouerplus to the partie: and they (with the leaue of

the Lord of a Common, or Waſt, in writing) may erect their conuenient habitations, and place Inmates therein, at the generall charges of the Pariſh, &c.

When the ſtocke of the ſhire, is aſſeſſed by the Iuſtices of Peace in their Quarter Seſſion vpon euery Pariſh: the ſame ſhal bee yearely rated within the Pariſh by agreement of all the Pariſhioners, or in default thereof by the Churchwardens and Conſtables of the pariſh, or the more part of them, who may leuie the ſame by Diſtreſſe and Sale of the goods of ſuch as refuſe to pay their portion thereof, and ſhall tender the Ouerplus therof to the owner: & the Churchwardens muſt ratably pay ouer to the high Conſtable, in whoſe limit the Pariſh is ſcituate ten daies before the end of euery Quarter Seſſions, ſuch money as for that Pariſh they ought to pay for the relief of the priſoners in the Marſhalſey and kings Bench, vpon forfaiture of ten ſhillinges for euery default of ſuch payment.

Deſtructiō of vermine. 11 In euery pariſh, the churchwardens, with 6. other pariſhioners (to be required by the Churchwardens) ſhal yearly in one of the holy daies in Eaſter week, and at euery other time when it ſhall be needfull, taxe & aſſeſſe euery perſon hauing the poſſeſſion 8. E. ca. 15. & 14. El. cap. 11.

ſeſſion of any lands or tithes within that parish, to pay ſuch ſummes of mony as they ſhal think meet, according to the quantity of ſuch their lands or tithes. And if any ſuch perſon do deny to pay the ſame, or do not pay the ſame (within 14. daies next after requeſt thereof made by the Churchwardens, or one of them) then ſuch perſon ſhal forfait for euery time v.s. which (together with the ſumme aſſeſſed) ſhalbe leuied by diſtreſſe, of the goods and cattels of ſuch perſon, to be taken by the churchwardens, or one of them, the ſame diſtreſſe to be ordered & vſed, as diſtreſſes taken for amerciamẽts in any Leetes. And alwel the ſaid ſums as penalties, (if any of them be ſo leuied,) ſhalbe yerely by the churchwardẽs, or one of them for the time being, deliuered by Bils indented, to two honeſt & ſubſtantial perſons of the pariſh which ſhalbe elected and appointed by the churchwardens, and ſhalbe named, The diſtributers of the prouiſſion for the deſtruction of noiſome foule & vermine. And if the ſaid Churchwardens, 6. perſons, or Diſtributers, or any of them, ſhal refuſe, or make default in the execution of any parte of this act, contrary to the forme therof, then ſuch offendour ſhall forfaite for euery default, v.l. the one moitie to the Queene, the

Souldiors money. the other to him or them (vsing tillage yeerely within the same Shire) that will sue therefore in any Court of Record.

12 The money assessed at the Quarter Session by the Iustices of peace vpon euery Parish for the releife of disabled Souldiours, may be rated (in default of agreement of the Parishioners amongst themselues) by the Churchwardens & Constables of the Parish, or the more part of thē: and they may leuie such Rates by distresse and sale of the goods of such as refuse to pay their rates, rendring to the owner the Ouerplus cōming of such sale: & ỹ churchwardens must collect and pay ouer to the high constable in whose diuision such parish is, euery such summe ten daies before euery quarter Session of the peace, vnder the paine of xx. s. for euery default thereof. 43. El. c. 3.

For the rest of the office of the churchwardens, cōcerning this matter see afterward in the duty of thes distributers. See also in constables article 25. for the gaole money, to be leuied by churchwardens.

The office of the Superuisors, Surueiors, *or Orders of the workes for amending of the Highwaies.*

2. & 3. Phi. & M. c. 8. & 5. El. ca. 13. & 39. El. cap. 19.

VPon the fire dayes appointed for woorking in the Highwaies, in such sort as is before

foꝛe declared in ỹ 6. Article of the churchwardens Office, euery perſon foꝛ euerie plow lands in tillage oꝛ paſture that hee oꝛ they ſhall occupy in the ſame pariſh, & euery other perſon keeping there a dꝛaught oꝛ plough, ſhall find and ſend, at euery day & place to be appointed foꝛ the amending of the waies in the pariſh as is afoꝛeſaid, one waine oꝛ Cart, furniſhed after the cuſtome of the countrey, with Oxen, Hoꝛſes, oꝛ other cattell, & all other neceſſaries, meete to carrie things conuenient foꝛ that purpoſe, and alſo two able men with the ſame vpon paine of euery dꝛaught, making default tenne ſhillings. And euerie other houſholder, and alſo euerie cotager and laboꝛer of that pariſh, able to labour, and being no hyꝛed ſeruant by the yeare, ſhall by themſelues oꝛ one ſufficient labourer foꝛ euery of them, vpon euery of the ſaide fiue daies, woꝛke and trauell in the amendement of the ſaid highwaies, vpon paine of euery perſon making default to loſe foꝛ euery day twelue pence. And if the carryages of the pariſh oꝛ any of them ſhall not bee thought needefull by the Superuiſors to be occupied vpon any of the ſaid dayes, that then euerie ſuch perſon that ſhould haue ſent any ſuch carriage, ſhall ſend to the ſaide woꝛke foꝛ euery carriage ſo ſpa-

red, two able men there to labour for that day, vpon paine to lose for euery man not so sent to the sayde worke twelue pence. And euery person and carriage aboue said, shal haue & bring with thē such Shouels, Spades, Pickes, Mattocks, & other toles and instrumentes, as they doe make their owne ditches and fences withal, and such as be necessary for their said work. And al the said persons and carriages shal do and keepe their works, as they shalbe appointed by the said Superuisors, or one of them viii. houres of euery of the said dayes, vnlesse they shalbe otherwise licenced by the said Superuisors, or one of them.

From hencefoorth it shall and may bee lawful to all and singuler Superuisor and Superuisors and orderers of the workes for the time being, for the amendement of the said highwaies, thereunto elected and appointed, according to the statute made in the second and third yere of King Philip and queene Mary, for the better reparation and amendement of the highwaies within their seuerall Parishes and limits where they shall bee so made Superuisors (if it shall bee so to them thought necessarie) to take and carrie away of the rubbish, or smallest broken stones of anie Quarrie or Quaries lying or being within

in

in the parish where they shall be Superuisors without licence, controlement or impeachment of the owners or owner, so much as by their discretiõs shalbe deemed and iudged necessarie to the amendement of the said waies. And that for default of any such quarrie or quarries, it shall and may be lawfull for euery such Superuisor or Superuisors, for ỹ vse aforesaid, in the seuerall grounds of any person or persons, being within the parish, and limits where they shall be Superuisors, and nigh adioyning to the way or wayes wherein such reparations shall be thought necessarie to be made, and wherein grauell, sand, or sinder is likely to be found, to digge or cause to be digged, for grauell, sand or sinder, and likewise to gather stones lying vpon any lands or grounds within the parish, & meete to be vsed to such seruice & purpose, therfore to take & carry away so much as by discretion of the said Superuisors shal be thought necessary to be imploied in the amendment of the said highwaies. Prouided alwaies, that it shall not be lawfull to any such Superuisor, or superuisors, by vertue of this act, to cause any rubbish to be digged out of any quarrie or quarries, but only shal extend to such rubbish as shal be found there ready digged by ỹ owner or

owners of the saide Quarry or Quarries, or otherwise by his or their licence & commaundement, nor shall not extend to giue authority to any Superuisor or Superuisors to dig or cause to be digged, any grauell, sand, or sinder in the house, garden, orchard, or medow, of any person or persons, nor that it shalbe lawful by this act to any such Superuisor or Superuisors to cause any more pits to be digged for grauel in any seueral or inclosed ground then one only, and that the same pit or hole so digged for grauell as is aforesaid, shall not by any way be in bredth or length aboue x. yards at the most. And that euery such Superuisor as shall cause any such pit to be made, and digged for grauel, sand, or sinder, as is afore said, shal within one moneth next after any such digging or pit made, cause the same to bee filled, and stopped vp with earth, at the cost and charges of the Parishioners, vpon paine to forfeite to the owner and owners of the soyle, wherein any such pit shall be made and digged, for euery default, fiue markes.

From henceforth, euery such Superuisor and Superuisors, as is aforesaid, shall by force of this act, within the parish or limits where he or they shalbe Superuisors, haue full power & authoritie to turne any such 5. El. ca. 13.

such water course, or spring of water, being in any of the saide highwaies, into any ditch or ditches, of the seuerall ground or soyle of any person or persons whatsoeuer, nere adioyning to the said wayes, in such manner and forme, as by the discretions of the said Superuisors shalbe thought meetest and most conuenient.

Such Superuisor or Superuisors for the time being, within one month next after default or offence, made, done, or committed by any person or persons, contrary to the prouision, purport, & true meaning of the statute made (concerning Highwaies) in the second & third yeare of King Philip & Queene Marie, shal present euery such default or offence to the next Iustice of peace for the time being, vpon paine to forfait for euery such default & offence, in such sort not by them presented, xl. s.

Euery person or persons (except such as shall dwell in the Citie of London) that shalbe assessed to the payment of any Subsidie to her Maiestie to v. l. in goodes, or xl. s. in landes, or aboue, during all such time as he shall stand so assessed & not altered, & being none of the parties chargeable for the amendment of highwayes by any former lawe, but as a Cottager, shall find two able men yearely to labour in the high-

highwaies, at such daies & times, as by ỹ seuerall statutes therefore are limitted & appointed. And euery other that hereafter shall occupie a plough land in tillage and pasture, lying & being in seueral parishes, shall bee chargeable to the making of the waies within the parish wher he dwelleth as far forth, and in such maner & forme, as any person hauing a plough lande, in any one parish, is or ought to bee chargeable, by reason of the said former Statutes, or either of them. And euerie person or persons, occupying & keeping in his or their handes or possessions, seuerall or diuers plough lands, as aforesaide in seuerall or diuers townes, shall be charged to finde in each towne or parish (where the plough-lands being in his occupying doe lie) one Cart, Waine, Tumbrell, dung Pot, or Court, Sleads, Carres, or Drags, furnished for the amendment & repairing of the Highwaies, within the seuerall Parishes where the said plough lands do lie, in such maner & forme, as if he or they were a Parishioner dwelling within the parishes, where ỹ same seueral plough lands do lie.

Euery person or persons, that shall not repaire, ditch, or scower, any haies, fences, ditches, or hedges, adioyning to any highway, or common fairing way, or shall not

cut

cut downe or keep low all trees & bushes, growing in, or nere adioyning to any the said waies, according to the true intent & meaning of the Act made in the 5. yeere of the Queens Maiesties raign that now is, for euery offence committed therein contrary to the true intent therof, shal forfait & loose for euery default x. s. And all and euery person and persons, that shall occupy any lands adioyning to the said ground, so adioyning to any such highway, or cõmon fairing way, where any ditching, or scouring should or ought to bee, as aforesaide, shall from time to time, as neede shall require, ditch & scower in his or their ground so adioyning, whereby the water conueied from the said highway, or cõmon fairing way, ouer the ground nere adioyning, may haue passage ouer the said ground, so nere adioining to that ground, vppon paine of forfaiture for euery time so offending, for euery Rood not so ditched & scoured, xii. d.

No person or persons hauing anye ground by lease or otherwise, adioyning to any highway, or common fairingway, leading to any Market towne, shall cast or scowze any ditch, and throw, or lay the soyle thereof into the highway, and suffer it to lie there by the space of sixe Moneths, to the annoyance of the saide highway,

or

or common fairing way, vpon paine of forfaiture for euery load of soyle, so cast into the highway, or common fayring way, in Ditching or scowring twelue pence. And where any heretofore haue bin so cast into the highway, or common fairing way, that there is a bank between the said way & the ditch, it shalbe lawfull for the Surueiors & workemen, by the lawes and statutes of this Realme, appointed for the amendmēt of the said waies, to make sluces, or other deuises by their discretions, to conuey the water out of the saide way into the ditch: any law, right, interest, custome, or vsage, to the contrary notwithstanding.

Euery penaltie, summe or summes of money forfaited for any cause within the statute, shall be leuied in euery parish by the Surueyors of the wayes within that parish for the time being, by distresse and sale of distresse, in maner & forme, as fines or amerciaments in Lettes haue bin vsed, & the money so leuied, to be imploied vpon the highway, or common fayring way where the offence was committed. And if the Surueyors shall not or will not leuie & employ the same within one yere after the offence so committed, that then the saide summe or summes, forfaiture or forfaitures, shall be leuied in forme aforesaide,

by

by the Constables or Churchwardens of the town or parish where the worke ought to be done in the highway (as is aforsaid) & that he or they so leuying any of the said penalties or forfaitures, shal make & yeeld such account as is appointed in the before recited statutes, or either of them.

39.E.ca.19. In the Wealde of Kent, Sussex, & Surrey, the Surueyors within the parishes where the Highwaies shal be most annoied, shall (in default of appointment by the Iustices of peace) assigne & apoint in what places of the highwaies there, the Sinder, grauell, stone or chalke, (to be carryed by the occupier of Iron workes) shall be layed & bestowed: vnder the pain of xl.s. of euery such Surueior for euery such default, and they shall make demand of the forfaitures of money to bee paide in default of such carrages: & shall present euery such default of carriage, or paiment, at the nert Quarter Session of that Countie, vppon like paine of xl.s. for euery default by thē. Wealdish waies.

The Office of the Distributers of the prouision for the destruction of noysome fowle and Vermine.

8.El.ca.15. & 14.El.ca. 11.& 39,El. cap.18. THese Distributers beeing so chosen, and hauing mony, (as is before shewed in the viii. Article of the Churchwardens

dens office) shall giue and pay of the same money so to them deliuered to euery person that shall bring to them any heades of olde Crowes, Choughes, Pyes, or Rooks taken within the seuerall parishes, for the heads of euery 3. of them a peny: and for the heades of euery fiue young Crowes, Choughes, Pyes, or Rookes taken, as is aforesaid a peny and for euery 6. egges of any of them vnbroken a peny: and likwise for euery 12. Stares heades a penie. All which said heads & egges, the said Distributers in some conuenient place shal keep, and shall euery moneth at the least bring forth the same before the said churchwardens and taxors or three of them, and then and there to them shal make a true accoũt in writing, what mony they haue laid forth and paid for such heads and egges, and for the heads of such other raueinous birds & vermine, as are hereafter in this act mentioned. That is to say: for euery head of Merton, Haukes, Furlekite, Moldkite, Bullard, Scag, Carmerant, or Ringtaile, two pence, and for euery two egges of thē, a peny: for euery Iron or Ospraies heads 4. d. for the head of euery Woodwal, Pie, Jay, Rauen or Kite, a peny: for the head of euery bird, which is called the Kings fisher a peny: for the head of euery Bullfinch

or

or other bird, that deuoureth the blouth of fruite, one penie: for the heades of euery Fore, or Grey, twelue pence: and for the head of euery Fichewe, Polcat, Weesell, Stote, Faire, Badge, or Wildecat, a peny: for the heads of euery Otter, or Hedghog two pence: for the heds of euery three Rats, or twelue Mice, one penie: for the heads of euery Moldwarpe, or Want, an halfe penie: for the heads of euery which birds and vermine last mentioned, the last Distributers shall likewise pay & giue to the bringer of them, for euery head killed & taken within their seuerall parish, as before is limited, & shal keepe the same to be shewed forth vpon their account in maner and forme as is aforesaide. All which said heades and egges shall be forthwith after such account made in the presence of the sayd Churchwardens, and Tarars, or of three of them, burned, consumed, or cut in sunder.

And if vpon any account to bee made in the ende and determination of the office of any such Distributers, it shall appeare that any summe of money is remayning in the handes of the said Distributers, or any of them, then the same shall be by Bill indented, as is aforesaid, deliuered ouer to such persons, as he or shall be elected

elected to the same Office, for the yeare next following, by them to be distributed as is aforesaide. This shall not in anie wise extende, to giue any libertie or authoritie to any person or persons, to vse or exercise any meanes or engine, for the destruction of Crowes, or rooks, choughs, or other the vermine aforesaide in any place or places, to the disturbance, let or destruction of the building or breeding of any kinde of Hawkes, Herons, Egrittes, Paupers, Swannes, or Shouelers: or to the hurt and destruction of any Doues, Douehouses, Deere, or warrē of Conies, nor extend to giue or appoint any summe or summes of money to be giuen, paied, or distributed, to any person or persons, for the head or heades of any Busard, Ringtaile, Herne, Polcat, Fitchew, or Stote, taken in any Parke, Warren, or grounde, imploied to the maintenance of any game of Conies, or to any Stares taken in Douehouses, nor to the killing or bringing the head of any Cite, or Rauen, killed in any Citie, or towne corporate, or within two miles of the same.

FH
MVSEVM
BRITANNICVM